

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

ORDER NO. R2-2003-0056

AMENDED SITE CLEANUP REQUIREMENTS FOR:

NATIONAL SEMICONDUCTOR CORPORATION,
UNITED TECHNOLOGIES CORPORATION,
HEWLETT-PACKARD

for the property referred to as

SUBUNIT 1, OPERABLE UNIT 1
SANTA CLARA AND SUNNYVALE
SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Board), finds that:

1. **Regional Board Orders:** The Regional Board adopted site cleanup requirements for this site on September 18, 1991 (Order No. 91-137). Discharges from groundwater treatment for remediation purposes at the site are regulated under VOC General NPDES Permit No. CAG912003 (Order 99-051).
2. **Reason for Amendment:** Order 91-137 named the Shahinian Trust as a secondarily responsible party for contamination caused by National Semiconductor Corporation (NSC) at its facility in Santa Clara. Shahinian Trust was named in the order because it owned a property within the NSC campus (Building 19 at 3707 Tahoe Way, Santa Clara) that was determined to be a source area for contamination. Until August 2000, NSC leased Building 19 from Shahinian Trust. In August 2000, Shahinian Trust sold the property to NSC. Shahinian Trust was not suspected of having caused or contributed to the release of contaminants, and NSC has assumed and maintained responsibility for cleanup of contaminated soil and groundwater emanating from Building 19. Because Shahinian Trust no longer owns the property, there is no reason to retain Shahinian Trust as a responsible party. This order amends Order 91-137 by removing Shahinian Trust from the list of named dischargers. NSC will continue to be responsible for investigation and cleanup activities associated with this source area, with United Technologies Corporation and Hewlett-Packard retained on the order as secondarily responsible parties. No other changes are made to the order with this amendment.

3. **CEQA:** This action is an amendment of an order to enforce the laws and regulations administered by the Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.
4. **Notification:** The Board has notified the discharger and all interested agencies and persons of its intent under California Water Code Section 13304 to amend site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.
5. **Public Hearing:** The Board, at a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that Order No. 91-137 shall be amended as follows:

- A. Shahinian Trust is removed as a named discharger in the order. Paragraph 4 of Finding 2, which stated that Shahinian Trust is secondarily responsible for the cleanup of soil and groundwater contamination emanating from NSC's Building 19 source area, is deleted. References to Shahinian Trust in paragraphs 5 and 6 of Finding 2 are deleted.
- B. The reference to Shahinian Trust in Provision C.2, which stated that Shahinian Trust (and other dischargers) shall comply with the provisions of the Order if NSC fails to comply with any of the provisions, is deleted.
- C. Language in Finding 6 (second paragraph), and Finding 14 (second paragraph) referring to Building 19 being leased by NSC from Shahinian Trust is deleted.
- D. Task 2.iii and Task 3, which required Shahinian Trust to issue a deed restriction prohibiting the use of shallow groundwater as a source of drinking water and controlling activities at NSC's Building 19, is revised such that the responsibility for filing a deed restriction for the former Shahinian Trust parcel now resides with NSC as the current property owner. Tasks 2.iii and 3 are revised to read as follows:

2.iii **PROPOSED INSTITUTIONAL CONSTRAINTS**

COMPLIANCE DATE: September 21, 2003

NSC shall submit a technical report acceptable to the Executive Officer documenting procedures to be used to prevent or minimize human exposure to soil and groundwater contamination prior to meeting cleanup standards on the parcel formerly owned by Shahinian Trust at 3707 Tahoe Way, Santa Clara. Such

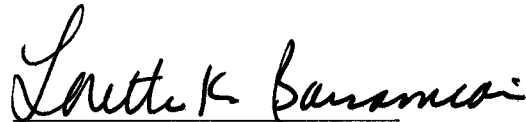
procedures shall include a deed restriction prohibiting the use of groundwater from the A and B aquifer zones as a source of drinking water.

3. **IMPLEMENTATION OF INSTITUTIONAL CONSTRAINTS**

COMPLIANCE DATE: 60 days after Executive Officer approval

Submit a technical report acceptable to the Executive Officer documenting that the proposed institutional constraints proposed and approved pursuant to Task 2.iii have been implemented.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 18, 2003.



Loretta K. Barsamian
Executive Officer

FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE SECTIONS 13268 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY

Figure 1 - Map of Study Area

